IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 2nd day of September 2003
Bail Application No. 741/2003

CRIMINAL SIDE

1. Ajay @ Boby S/o Tirmal Singh Saini
2. Usha @ Anju wife of Ajay @ Boby
   Both residents of Nagli Paghwari P.S.Noorpur
   District Bijnor, at present Tenant Sheesh Ram
   Moh. Subhashnagar, Kashipur District
   U.S.Nagar ..Applicants.

Versus

State of Uttaranchal ..Opposite party.

Arising out of case crime No 1596 of 2003
Under sections 364/34/302/201/147 IPC
P.S. Kashipur,
District –U.S.Nagar.

By the court

Hon'ble Irshad Hussain, J.

Heard Sri Dharam Veer learned counsel for the applicant-accused and learned A.G.A.

There is no direct evidence against applicant-accused. The case is based on evidence or last seen and alleged recovery of a motor cycle of the deceased on the pointing out of the applicant-accused Ajay. There was delay of 8 days in lodging the F.I.R. The recovery of the motor cycle was not made from the house of the applicant-accused and both the public witnesses are of Kashipur whereas the recovery was allegedly shown from Chandpur. Both these witnesses are said to be the witnesses of last seen at Jaspur bus stand. Considering the totality of the circumstances of the case it is a fit case for bail. The bail application is allowed.

The applicants-accused Ajay @ Boby and Usha @ Anju shall be released in crime No. 596/2003 under sections 364/34/302/201/147 IPC P.S. Kashipur District –Udham Singh Nagar on their executing personal bond and two sureties each in like amount to the satisfaction of C.J.M. Udham Singh Nagar.

(Irshad Hussain, J.)

Dated 2-9-2003